

## **REMARKS**

The Examiner has rejected Claims 1 through 18. Claims 19 through 21 have been withdrawn from consideration by the Examiner as being drawn to a non-elected invention. Claims 1, 6, 11, 14, 15 and 18 have been amended. Claims 19 through 21 have been canceled by the amendment herein above. Claim 1 through 18 are pending. It is believed that no new matter has been introduced by way of the above amendments.

### **Restriction and Election:**

Applicants hereby affirm the election, without traverse, of the invention set forth by the Examiner as Group I, Claims 1 through 18 by Donald O. Nickey, and to proceed with examination on the merits based on these claims. Claims 19 through 21 being drawn to non-elected inventions, have been canceled by the amendment herein above. Applicants reserve the right to pursue the inventions set forth in the non-elected claims by the filing of one or more continuing applications.

### **Title of the Invention:**

In response to the Examiner's concerns about the title, Applicants have amended the title of the invention to reflect the elected invention. Thus the amended title refers to an apparatus.

### **Oath/Delcaration:**

The Declaration has been objected to by the Examiner as being absent certain required information as to application serial number, filing date, residence and citizenship. The Examiner requires a new oath/declaration in compliance with 37 C.F.R. §1.67(a).

Applicants are preparing a substitute oath/declaration reciting the information absent from the original oath/declaration. The completed and executed oath/declaration will be forwarded to the Patent Office upon receipt of the executed versions.

**Objection to Disclosure:**

The disclosure has been objected to by the Examiner. In particular, the Examiner is concerned with proper idiomatic language and grammatical errors. Applicants have reviewed the application for errors of this type and have amended to correct them herein above. Applicants' wish to thank the Examiner for pointing these out to Applicants.

**Objection to Drawings:**

The drawings have been objected to by the Examiner under 37 C.F.R. §1.83(a). Specifically, the Examiner is concerned with the drawing showing every feature of the invention specified in the claims.

Regarding the Examiner's concern as to "reservoir" feature in claims 11 and 15, submitted herewith is corrected informal drawing for Figure 2 showing an optional reservoir in compliance with 37 C.F.R. §1.82(a) as required by the Examiner. Antecedent basis for this embodiment and its position can be found on page 16 of the specification. No new matter is being introduced by the amendment to the drawing.

As to the Examiner's concern with the "manifold" feature of claims 14 and 18, the Examiner is in error. Applicants refer the Examiner to Figure 4, element number 102 and page 18, line 16 of the specification, which clearly correspond this element.

Both of the Examiner's concerns regarding the drawings have been fully addressed.

**Objection to Claims:**

Claims 11 and 18 have been objected to by the Examiner because of certain informalities. In particular, the Examiner required correction of recitation of "said polymer" in claim 11 and "said reservoir" in claim 18. Applicants have amended claim 11 and 18, respectively, in accordance with the Examiner's suggestions as to consistency of terminology. Accordingly, these concerns of the Examiner have been fully addressed by Applicants.

Claims 2 through 5 have been objected to by the Examiner under 37 C.F.R. §1.75(c) as being in improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner alleges that claims 2 through 5 "only further recite product recitations which do not further limit the structure or structural recitations of the apparatus of claim 1" and further stating that the "product recitations only relate to the intended use" of the apparatus.

A recitation of intended use does not carry with it an implied ability for the Examiner to strike and ignore the language involved. Regarding a preamble stating intended use or purpose of the invention, "Such a preamble usually does not limit the scope of the claim unless the preamble provides antecedents for ensuing claim terms and limits the claim accordingly. In *Vaupel Textilmaschinen KG v. Meccanaica Euro Italia S.P.A.*... (Fed. Cir. 1991), for example, the preamble described a 'reference point' that provided guidance in understanding and construing the claim." C.R. Bard, Inc. v. M3 Systems, Inc., 157 F.3d 1340, 48 U.S.P.Q.2d 1225 (Fed. Cir. 1998), *rehearing denied & suggestion for rehearing en banc declined*, 161 F.3d 1380 (Fed. Cir. 1998). Preamble language in a claim may provide an indication of how the inventor intended to 'carry out' his invention. See *Carl Zeiss Stiftung v. Renishaw PLC*, 945 F.2d 1173, 1181, 822 U.S.P.Q.2d 1094, 1101 (Fed. Cir. 1991), where the preamble identified the purpose of the claimed invention, the definiteness requirement of 35 U.S.C. §112, was

met because 'the claimed device [was] capable of performing its claimed purpose.'

Northern Telecom Ltd. v. Samsung Electronics Co., Ltd., 215 F.3d 1281, 55 U.S.P.Q.2d 1065 (Fed. Cir. 2000).

In the instant case, the claimed apparatus is capable of preparing films suitable for encapsulation from a solid film-forming material. Dependent claims 2 through 5 further define the various particular film-forming material compositions with which the claimed apparatus can perform its function and achieve its result. The claim limitations found in dependent claim 2 through 5 describe how the claimed invention is to be carried out.

In order to clarify the nature of the apparatus to the Examiner, Applicants have amended independent claim 1 restructuring the phraseology defining the apparatus. The amendment made to claim 1 affirmatively sets forth the structure and function of the claimed apparatus from the alleged "intended use" format, which is the premise for the Examiner's objection to claims 2 through 5.

Claims 2 through 5 are, therefore, fully compliant with the patent laws governing claim dependency. The objection to claims 2 through 5 should, therefore, be withdrawn.

#### **Rejections under 35 U.S.C. §112, Second Paragraph:**

Claims 14 through 18 have been rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Each rejection is set forth and addressed individually as follows:

The Examiner states that Claim 14 is indefinite because it is unclear as to what "said reservoir" refers to. Applicants have amended claim 14 to depend upon claim 11 to correct the dependency of the claim. Applicants have further amended "reservoir" to "reservoir means" for consistency of terms between this claim and the claim from which

it depends. Claim 14 is fully compliant with the requirements of 35 U.S.C. §112, second paragraph, and the rejection should be withdrawn.

The Examiner argues that the phrase “to dispose between said means to melt said polymer” in claim 15 is indefinite for failing to set forth metes and bounds, i.e., the reference points associated with the term “between”. Applicants have amended the phrase in accordance with the Examiner’s suggestion to overcome this rejection. Claim 15 is therefore fully compliant with requirements of 35 U.S.C. §112, second paragraph, and this rejection should be withdrawn.

**Rejections under 35 U.S.C. §102:**

Claims 1 through 5, 9, 10 and 12 have been rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Herridge et al. U.S. Patent No. '922. Applicants respectfully traverse this rejection for the following reasons.

The Examiner argues that Herridge et al. teaches an apparatus “that corresponds to the instant apparatus” including a casting drum, means for melting “on demand” (referring to columns 8 and 14), pump means and extrusion device. The Examiner discards several claimed limitations under the guise of allegedly meaningless “recitations of intended use”. In sum, the Examiner argues that the claims are anticipated by the teachings of Herridge et al.

In order for a claim to be anticipated under 35 U.S.C. §102, a single prior art reference must disclose each and every element of the claimed invention. Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715, 223 U.S.P.Q. 1264, 1270 (Fed. Cir. 1984). If the reference fails to suggest even one limitation of the claimed invention, the claim is not anticipated. Atlas Powder Co. v. E.I. du Pont De Nemours & Co., 750 F.2d 1569, 1574, 224 U.S.P.Q. 409,411 (Fed. Cir. 1984).

The Examiner’s case law citations are noted. Applicants recommend that th

Examiner consider the more recent cases cited by Applicants in the above remarks involving the Examiner's objection to the claims, which are likewise applicable here in addressing the reasoning for the rejection set forth by the Examiner. In order to clarify the nature of the apparatus to the Examiner, Applicants have amended independent claim 1 restructuring the phraseology defining the apparatus. The amendment made to claim 1 affirmatively sets forth the structure and function of the claimed apparatus from the alleged "intended use" format, which is the premise for the Examiner's rejection.

One of the important aspects of the invention is the claimed apparatus conducts "on demand" melting of the solid material. This feature is present in both independent claims 1 and 15. The distinction between this feature and conventional technologies, and the benefits associated with this feature, are discussed on pages 3, 5, 6, 8 and 9 of the specification. Herridge et al. cannot possibly teach the melt-on-demand feature as required by Applicants' claims. Herridge specifically requires "simultaneous melt processing" as a key feature of their technology. See column 3, first complete paragraph, and column 4, first paragraph, wherein the simultaneous melt processing sequence is described. The simultaneous melt process of Herridge involves the multiple molten streams and their subsequent combination into a single unified structure. Clearly, **advanced** melting is required by Herridge et al. This is in direct contrast to Applicants' invention. In fact, the problems associated with advance melting such as that taught by Herridge et al. are among the disadvantages addressed by the instant invention.

For this feature, the Examiner points to two textual passages in Herridge – column 8 and column 14. As to column 8, the text refers to other "pumps" that can be used to "deliver the molten streams to the extrusion die...". Clearly and logically, this passage refers to a pump that is acting on materials that are already molten. Hence, this passage fails to establish that which the Examiner alleges. Next is column 14, line

39, which actually teaches that there is a “re-melting” involved. The Examiner has erroneously equated a double, twice melted step with the solid-to-melt on demand feature of the claimed invention. In short, the Examiner has read embodiments into the reference that are in reality neither taught or suggested. Accordingly, the Examiner has failed to present a single prior art reference that anticipates Applicant’s claimed invention, since each and every element present in Applicants’ claims are not present in Herridge et al. as a single reference.

Claims 1 through 5, 9, 10 and 12 are not anticipated by Herridge et al. U.S. Patent No. 5,660,922 within the proper meaning of 35 U.S.C. §102. This rejection should, therefore, be withdrawn.

Claims 1 through 5, 9 through 12, 14 through 16 and 18 have been rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Doesburg et al. U.S. Patent No. 5,520,958. Applicants respectfully traverse this rejection for the following reasons.

The Examiner argues that Doesburg et al. teaches an apparatus “that corresponds to the instant apparatus” including a casting drum, means for melting solid material “on demand”, pump means and extrusion device. The Examiner discards several claimed limitations under the guise of allegedly meaningless “recitations of intended use”. In sum, the Examiner argues that the claims are anticipated by the teachings of Doesburg et al.

In order for a claim to be anticipated under 35 U.S.C. §102, a single prior art reference must disclose each and every element of the claimed invention. Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715, 223 U.S.P.Q. 1264, 1270 (Fed. Cir. 1984). If the reference fails to suggest even one limitation of the claimed invention, the claim is not anticipated. Atlas Powder Co. v. E.I. du Pont De Nemours & Co., 750 F.2d 1569, 1574, 224 U.S.P.Q. 409,411 (Fed. Cir. 1984).

The Examiner's case law citations are noted. Applicants recommend that the Examiner consider the more recent cases cited by Applicants in the above remarks involving the Examiner's objection to the claims, which are likewise applicable here in addressing the reasoning for the rejection set forth by the Examiner. In order to clarify the nature of the apparatus to the Examiner, Applicants have amended independent claim 1 restructuring the phraseology defining the apparatus. The amendment made to claim 1 affirmatively sets forth the structure and function of the claimed apparatus from the alleged "intended use" format, which is the premise for the Examiner's rejection.

As to claims 1 through 5 and 9 through 12, the Examiner has cited a reference that is not germane to Applicants' claimed invention. Doesburg et al. reference teaches an apparatus "for applying a desired protective finish to printed label stock". This has little technologically to do with the claimed encapsulation film-forming apparatus. Certainly not enough to constitute a reference which can rationally be argued as anticipatory to Applicants' claimed invention.

As to claims 15, 16 and 18, the Doesburg et al. reference is absent any teaching or suggestion of Applicants' solid film-forming melt-on-demand feature. Rather Doesburg refers to the "hot melt varnish" as being contained in a "hot melt applicator tank" in which the varnish is melted into a substantially liquid state". See column 6, lines 20 to 25. The Examiner has again read more into the reference than actually is present. This is because apparently, the Examiner has not recognized the *timing* aspect of the on-demand feature of the claimed apparatus. As Applicants discuss in the Background of Invention section of the specification, the melting tank type of system is conventional. That is not Applicants' invention.

One of the important aspects of the invention is the claimed apparatus conducts "on demand" melting of the solid material. This feature is present in both independent claims 1 and 15. The distinction between this feature and conventional technologies,

and the benefits associated with this feature, are discussed on pages 3, 5, 6, 8 and 9 of the specification. Again, the system described in Doesburg et al. involves *advance melting*, which is in direct contrast to Applicants' invention. Further, the problems associated with advance melting are among the disadvantages *addressed* by the instant invention.

In short, the Examiner has read embodiments into the reference that are in reality neither taught or suggested. Accordingly, the Examiner has failed to present a single prior art reference that anticipates Applicant's claimed invention, since each and every element present in Applicants' claims are not present in Doesburg et al. as a single reference.

Claims 1 through 5, 9 through 12, 14 through 16 and 18 are not anticipated by Doesburg et al. U.S. Patent No. 5,520,958 within the proper meaning of 35 U.S.C. §102. This rejection should, therefore, be withdrawn.

**Rejections under 35 U.S.C. §103:**

Claim 6 and 7 have been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Herridge U.S. Patent No. 5,660,922 or Doesburg et al. U.S. Patent No. 5,520,958 in view of Majkrzak U.S. Patent No. 4,919,308. Applicants respectfully traverse this rejection for the following reasons.

The Examiner relies upon Herridge and Doesburg references as the primary cited references for the rejection. The shortcomings of the Herridge and Doesburg references set forth in Applicants' arguments in response to the Examiner's rejections under 35 U.S.C. §102(b) are likewise applicable here and repeated herein. The Examiner argues that Herridge and Doesburg are absent "means for melting including a melting grid above the solid forming material", and relies upon Majkrzak for a teaching of a drum unloader "generally" including a melting grid above the solid forming material to

meet the claim limitations set forth in claims 6 and 7. The Examiner concludes that one of ordinary skill in the art would have found the modification of the drum unloader with a melting grid above the solid material to be obvious because the inclusion of melting grids in drum loaders is well known.

Again, the technologies of Herridge and Doesburg teach away from Applicants' claimed apparatus because they require advanced melting of the film-forming material. Thus, one of ordinary skill in the art at the time of Applicants' invention would not have been motivated to position a melting grid to effect the on-demand melting in accordance with Applicants' invention. Therefore, one of ordinary skill could not have been motivated to combine the melting grid of Majkrzak together with a reference that would still not lead one of ordinary skill to arrive at the inventive apparatus because the operational objectives of Herridge and Doesburg differ from the claimed invention. The mere presence of the "film" concept alone does not imply the interchangeability of various structurally distinct apparatuses that make technologically distinct products. The Examiner has stretched the context of Majkrzak to meet up with Herridge and Doesburg in an effort to support obviousness grounds. But Applicants' invention does not reside exclusively in the positioning of the melt grid. Majkrzak is absent, for example, a teaching or suggestion of the on-demand system structure as required by Applicants' invention and is drawn to the "bulk-vat" melting technique. All three references relied upon by the Examiner, in fact, alone or in combination, fail to address this claimed feature of the invention in a manner adequate to support a proper rejection based on obviousness grounds.

Given the above, claims 6 and 7 are not unpatentable in view of these references within the proper meaning of 35 U.S.C. §103(a). This rejection should, therefore, be withdrawn.

Claims 6 and 8 have been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Herridge U.S. Patent No. 5,660,922 or Doesburg et al. U.S. Patent No. 5,520,958 in view of Davies et al. U.S. Patent No. 3,010,147. Applicants respectfully traverse this rejection for the following reasons.

The Examiner relies upon Herridge and Doesburg references as the primary cited references for the rejection. The shortcomings of the Herridge and Doesburg references set forth in Applicants' arguments in response to the Examiner's rejections under 35 U.S.C. §102(b) are likewise applicable here and repeated herein. The Examiner relies upon Davies et al. for a teaching of a melting grid below the solid forming material. The Examiner argues that Davies teaches a varied feed rate of solid material and therefore "on demand" by controlling the rotating screw conveyor. The Examiner concludes that one of ordinary skill in the art would have found the modification of melting grid of Davies into Herridge and Doesburg to be obvious because melting grids are well-recognized as alternative melting means.

The context of Davies et al. is a melt-spinning apparatus for the manufacture of filaments or films in the polymeric fabric technology, e.g., nylon. Applicants' invention defined in claims 6 and 8, referring back to claim 1 from which they depend directly and indirectly respectively, is a film-preparation apparatus that prepares encapsulation films. Encapsulation films are used to encase a liquid composition within without leakage. One of ordinary skill in the art would not view the Davies melt-spinning apparatus as particularly germane to Applicants' claimed invention. Certainly one of ordinary skill would not have been motivated to combine the melt-spinning apparatus of Davies as combinable with a co-extruded adhesive apparatus (Herridge et al.) or varnish application apparatus (Doesburg et al.) because the technologies are incompatible from an apparatus standpoint. The mere presence of the "film" concept alone does not imply the interchangeability of various structurally distinct apparatuses that make

technologically distinct products. Even if combined, one of ordinary skill in the art, at the time of Applicants' invention, would still not arrive at the claimed apparatus. The Examiner has failed to present a collection of references which, individually or in combination, can adequately support a rejection based on obviousness grounds. Applicants' invention does not exclusively reside in melting grid positioning.

Given the above, claim 6 and 8 are not unpatentable over the above references within the proper meaning of 35 U.S.C. §103(a). This rejection should, therefore, be withdrawn.

Claims 13 and 17 have been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over either Herridge et al. U.S. Patent No. 5,660,922 or Doesburg U.S. Patent No. 5,520,953 in view of Dukert et al. U.S. Patent No. 3,680,997. Applicants respectfully traverse this rejection for the following reasons.

The Examiner relies upon Herridge and Doesburg references as the primary cited references for the rejection. The shortcomings of the Herridge and Doesburg references set forth in Applicants' arguments in response to the Examiner's rejections under 35 U.S.C. §102(b) are likewise applicable here and repeated herein. The Examiner relies on Dukert et al. for a teaching of a coat hanger dies extrusion device. The Examiner concludes that one of ordinary skill in the art would have found the modification of the extrusion device to include coat hanger dies to be obvious because coat hanger dies are well-known and conventional.

At the onset, the context of Dukert et al. is an extrusion strip die for forming thermoplastic sheets, e.g., polyvinylidene. The invention described in the Dukert reference is to produce film or sheet in and of itself. This reference is hardly germane to Applicants' claim 13, which is drawn to preparation of encapsulation films. The mere presence of the "film" concept does not imply the interchangeability of various structurally distinct apparatuses that make technologically distinct products. There is no

teaching or suggestion in Dukert that the technology can be applied to produce films for encapsulation of liquids, for example.

Turning now to claim 17, which depends from claim 15, the claimed invention is an apparatus that applies a polymer to a substrate comprising the claimed features. No teaching or suggestion is seen in the Dukert reference to an apparatus for applying the films onto a substrate. The Examiner has stretched the context of Dukert to meet up with Herridge and Doesburg.

In either case, Applicants' invention does not reside exclusively in the use of a coat hanger die. The remaining claim limitations must also be addressed to support a proper rejection on obviousness grounds. When Dukert et al. is viewed together with the other references cited by the Examiner that are also absent the claimed on-demand feature of Applicants' invention (i.e., Herridge and Doesburg), it is not understood by Applicants' how or why one of ordinary skill in the art would have been motivated to combine the references when even after such combining, would still not arrive at the invention. The Examiner has not presented a collection of teachings that are adequate to support a rejection based on obviousness grounds.

Given the above, claims 13 and 17 are not unpatentable in view of the references cited by the Examiner within the proper meaning of 35 U.S.C. §103(a). This rejection should, therefore, be withdrawn.

Claims 1 through 6, 8 through 12, 14 through 16 and 18 have been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Hay II U.S. Patent No. 4,631,016 in view of Davies et al. U.S. Patent No. 3,010,147 and Vollbrecht et al. U.S. Patent No. 4,289,718. Applicants respectfully traverse this rejection for the following reasons.

The Examiner argues that Hay II teaches an apparatus for preparing films but not melting solid film-forming materials on demand or pump means. The Examiner relies on

Davies et al. for a teaching of melting solid form material according to a variable “feed rate” and pump. The Examiner relies on Vollbrecht et al. for a teaching of using a melting grid instead of extruder. The Examiner then concludes that one of ordinary skill in the art would have found the modification of Hay II with the melting means, pump, reservoir or manifold of Davies to be obvious because melting grids are recognized alternatives to extrusion devices as disclosed by Davies and Vollbrecht.

Applicants refer the Examiner to the case law discussion in the above response to the Examiner’s objection to the claims, which is likewise applicable here and repeated herein.

Hay II discloses a film casting apparatus using a heat transfer or chill roll to form a film or sheet. This single component is the context of the Hay II patent text. A film extrusion assembly is generically represented in the figures. The reference is absent the melt-on-demand feature required by Applicants’ claimed invention.

The Examiner then pieces together Davies et al. for an alleged “melt-on demand” teaching which is actually not present. The shortcomings of Davies et al. have been discussed above and are likewise applicable here and repeated herein. Again, the technological context of Davies et al. is a melt-spinning apparatus for the manufacture of filaments or films in the polymeric fabric technology, e.g., nylon. To begin with, the Davies et al. technology is technologically incompatible with the sheet or film casting equipment described in Hay II. It is not understood why one of ordinary skill would have been motivated to combine the teachings of these references. As for Vollbrecht, the technological context of this reference is the manufacture of a mat material using melt-spinning apparatus. The mat is formed from multiple filaments fused bonded together. Again, technological incompatibility amongst both the applied references and Applicants’ invention.

As before the Examiner attempted to combine references based on “film-like”

concepts, the Examiner here attempts to link the teachings based on the extruder and melting grid concepts. The Examiner then fabricates Applicants' invention by cutting and piecing various teachings, inappropriately extending their contexts to meet one another, and then alleging motivation to combine based on the erroneous view that one of ordinary skill in the art would have readily interchanged all the components to arrive at Applicants' invention. The Examiner has failed to present a collection of teachings, alone or in combination, that would have lead one of ordinary skill in the art to Applicants' invention within the proper meaning of obviousness.

Claims 1 through 6, 8 through 12, 14 through 16 and 18 are not unpatentable within the proper meaning of 35 U.S.C. §103(a). This rejection should, therefore, be withdrawn.

Claims 13 and 17 have been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Hay II U.S. Patent No. 4,631,016 in view of Davies et al. U.S. Patent No. 3,010,147 and Vollbrecht et al. U.S. Patent No. 4,289,718 and further in view of Dukert et al. U.S. Patent No. 3,680,997. Applicants respectfully traverse this rejection for the following reasons.

The shortcomings of the Hay II, Davies et al., Vollbrecht and Dukert references have been discussed above in Applicants' response to the obviousness rejections and are likewise applicable here to a large extent and repeated herein. Applicants refer the Examiner to the case law discussion in the above response to the Examiner's objection to the claims, which is likewise applicable here and repeated herein. Again the Examiner has combined a collection of references that contain technological features and objectives that substantially differ from one another and attempted to unite their relevance based on little more than the fact that all the references mention a "film" concept. This is insufficient and inadequate to address the combination of claim limitations present in Applicants' claimed invention.

In addition to the chronological distinctions among the references applied by the Examiner discussed in the above response as to Hay II, Vollbrecht and Davies et al., the Examiner attempts to cement the references together citing the coat hanger dies of Dukert. Dukert makes a film or sheet as the final product without mention of encapsulation or layering onto a substrate. Further, Applicants' invention does not reside exclusively in the use of a coat hanger die. The remaining claim limitations that must be addressed to support a proper rejection on obviousness grounds are still not met with the teachings – even in combination. Dukert et al. does nothing significant that would bring the combination closer to the invention set forth in claims 13 and 17. Certainly, a reasonable motivation is absent to do so. Accordingly, the Examiner has not presented a collection of teachings that, alone or in combination, are adequate to support a proper rejection based on obviousness grounds.

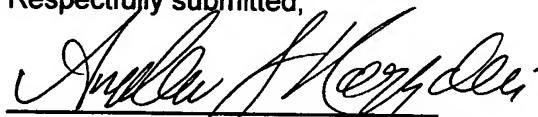
Given the above, claims 13 and 17 are not unpatentable in view of the above references within the proper meaning of 35 U.S.C. §103(a). This rejection should, therefore, be withdrawn.

**Conclusion:**

In light of the above amendments and the accompanying remarks, it is believed that the application is now in condition for allowance, and prompt notification to that effect is earnestly solicited. The Examiner is invited to contact the undersigned to discuss the application on the merits if it is believed that such discussion would expedite the prosecution.

Respectfully submitted,

Dated: Oct. 23, 2003

  
Andrew G. Rozicki, Reg. No. 36,406  
Attorney for Applicants  
Cardinal Health, Inc.  
7000 Cardinal Place  
Dublin, Ohio 43017  
Tel. (614) 757-7413  
Fax (614) 757-2243